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On December 13, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Paula Faith Shirley



PATENT  
Attorney Docket No.: 15270J-4740  
Client Reference No.: 209-US-CIP5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re application of:

SCHENK, Dale B.

Application No.: 09/322,289

Filed: May 28, 1999

For: PREVENTION AND TREATMENT  
OF AMYLOIDOGENIC DISEASE

Examiner: Turner, Sharon L.

Art Unit: 1647

JAN 02 2001

TECHNICAL CENTER 1601/2900

RESPONSE TO RESTRICTION AND  
ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the restriction and election of species requirement mailed September 29, 2000, Applicants elect group I and species A. Claims reading on species A are claims 1-24 and 29-37. The election of species requirement is respectfully traversed on the basis that although the designated species may be patentably distinct they are not mutually exclusive. MPEP 806.04(f) specifies that "[c]laims to be restricted to different species must be mutually exclusive." Here, it is noted that the claims specify that an antibody binds to a particular species of A $\beta$  but do not in general require that the antibody be raised against the same species of A $\beta$  to which it binds. Therefore, antibodies that bind to A $\beta$  (as recited claim 9) include antibodies that bind to A $\beta$ 1-28, for example, as recited in claim 25. Because the election of species requirement requires election between nonmutually exclusive species, it is submitted that it should be withdrawn.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Joe Liebeschuetz  
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